

Correspondence Between
Staff and Applicant
Approval Letter



June 12, 2019

Tony Eden
The Living Room
8977 N Scottsdale Rd Ste 500
Scottsdale, Az

Re: 16-UP-2018
The Living Room Gainey Ranch

Dear Tony Eden,

This is to advise you that the case referenced above was approved at the June 11, 2019 City Council meeting. The City Council related documents may be obtained from the City Clerk's office located at 3939 N. Drinkwater Blvd. Scottsdale, AZ 85251 or by entering the document number through the city website @ <https://eservices.scottsdaleaz.gov/cityclerk/DocumentSearch>

Please remove the red hearing sign as soon as possible. If you have any questions, please contact me at 480-312-4214.

Sincerely,



Doris McClay
Senior Planner



October 15, 2018

Doris McClay
Planning & Development Services
7447 E. Indian School Rd. Ste 105
Scottsdale AZ 85251-3915

Re: Cup application 16-UP-2018
The Living Room Gainey Ranch
8977 N. Scottsdale Rd. Ste. 500
Scottsdale AZ

Dear Ms. McClay;

I am writing in reference to the notice provided by The Living Room Gainey Ranch case number 16-UP-2018 requesting a **Conditional Use Permit** to allow live entertainment inside the building. As you know, the Living Room restaurant is located directly across from the Gainey Ranch community and specifically the Pavilions Condominiums at Gainey Ranch.

Please understand that Gainey Ranch is pleased to have the restaurant near our community, but at the same time are concerned that the noise impacts should doors or windows be open during the live music events. The Living Room patio is directly across from the Pavilions and could become a problem for our community members.

Gainey Ranch Community Association supports the current application for a CUP permit based upon the inclusion of the stipulations to protect the Gainey Ranch community, specifically;

- Live entertainment shall only occur inside the building consistent with the floor plan. No live amplified entertainment shall be provided on the patio.
- All external doors and windows shall be closed, but not locked during the hours live entertainment is provided.
- No live music after 10:00 pm any day of the week.
- No special event permits for The Living Room restaurant be issued without Gainey Ranch Community Association communication and comment.

If these conditions are agreed to as a part of the Conditional Use Permit, Gainey Ranch will acknowledge the same to the Planning Commission for the CUP hearing.

With the upcoming CUP application process it is extremely important that the Gainey Ranch community be heard and that stipulations with the CUP reflect our concerns.

Respectfully;


James A. Funk

Executive Director Gainey Ranch

McClay, Doris

From: Acevedo, Alex
Sent: Wednesday, October 10, 2018 8:42 AM
To: McClay, Doris
Subject: RE: The Living Room 16-up-2018 To: Doris McClay

Follow Up Flag: Follow up
Flag Status: Flagged

I save a copy for the CDS folder.

Thank you,

Alex Acevedo

Planning Specialist
City of Scottsdale
Planning & Development Services
Phone: 480-312-2542
7447 E Indian School Rd. #105
Scottsdale, AZ 85251

From: alanlezak@hotmail.com <alanlezak@hotmail.com>
Sent: Tuesday, October 09, 2018 8:59 PM
To: Acevedo, Alex <AAcevedo@scottsdaleaz.gov>
Subject: The Living Room 16-up-2018 To: Doris McClay



The requested permission for CUP doesn't go far enough. Gainey Ranch and the Downside Risk spent hours and dollars negotiating an acceptable CUP. I, as a resident of the Pavilions at Gainey Ranch want the CUP to be similar to what was negotiated for the Downside Risk. In order to protect the residents of Gainey Ranch there can't be any live music on either patio. In addition music played inside must only be played with the windows closed. Across the street from the Living Room are residences. -- sent by Alan Lezak (case# 16-UP-2018)



November 8, 2018

Tony Eden
The Living Room
8977 N Scottsdale Rd Ste 500
Scottsdale, Az

RE: 16-UP-2018
The Living Room Gainey Ranch

Dear Mr. Eden:

The Planning & Development Services Division has completed the review of the above referenced development application submitted on 10/3/18. The following **1st Review Comments** represent the review performed by our team, and is intended to provide you with guidance for compliance with city codes, policies, and guidelines related to this application.

Zoning Ordinance and Scottsdale Revise Code Significant Issues

The following code and ordinance related issues have been identified in the first review of this application, and shall be addressed in the resubmittal of the revised application material. Addressing these items is critical to scheduling the application for public hearing, and may affect the City Staff's recommendation. Please address the following:

Zoning:

1. Please submit the approved Public Safety Plan for the Live Entertainment required under Section 1.403.K of the Zoning Ordinance.
2. Please revise narrative to include the DJ as part of the live entertainment (Section 3.100).

Please resubmit the revised application requirements and additional information identified in Attachment A, Resubmittal Checklist, and a written summary response addressing the comments/corrections identified above as soon as possible for further review. The City will then review the revisions to determine if the application is to be scheduled for a hearing date, or if additional modifications, corrections, or additional information is necessary.

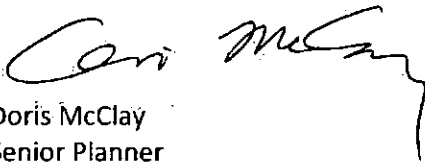
PLEASE CALL 480-312-7767 TO SCHEDULE A RESUBMITTAL MEETING WITH ME PRIOR TO YOUR PLANNED RESUBMITTAL DATE. DO NOT DROP OFF ANY RESUBMITTAL MATERIAL WITHOUT A SCHEDULED MEETING. THIS WILL HELP MAKE SURE I'M AVAILABLE TO REVIEW YOUR RESUBMITTAL AND PREVENT ANY UNNECESSARY DELAYS. RESUBMITTAL MATERIAL THAT IS DROPPED OFF MAY NOT BE ACCEPTED AND RETURNED TO THE APPLICANT.

The Planning & Development Services Division has had this application in review for 27 Staff Review Days since the application was determined to be administratively complete.

These **1st Review Comments** are valid for a period of 180 days from the date on this letter. The Zoning Administrator may consider an application withdrawn if a revised submittal has not been received within 180 days of the date of this letter (Section 1.305. of the Zoning Ordinance).

If you have any questions, or need further assistance please contact me at 480-312-4214 or at dmcclay@ScottsdaleAZ.gov.

Sincerely,



Doris McClay
Senior Planner

ATTACHMENT A
Resubmittal Checklist

Case Number: **16-UP-2018**

Please provide the following documents, in the quantities indicated, with the resubmittal (all plans larger than 8 ½ x11 shall be folded):

Digital submittals shall include one copy of each identified below.

- ☒ One copy: COVER LETTER – Respond to all the issues identified in this 1st Review Comment Letter
- ☒ One copy: Revised Narrative for Project
- ☒ One copy: Approved Public Safety Plan



Planning and Development Services Division

7447 East Indian School Road
Scottsdale, Arizona 85251

Date: 10/3/18
Contact Name: Tony Eden
Firm Name: _____
Address: 8977 N. SCOTTSDALE RD SUITE 550
City, State, Zip: SCOTTSDALE, AZ

RE: Application Accepted for Review.

303 - PA - 2018

Dear Tony Eden:

It has been determined that your Development Application for THE LIVING ROOM has been accepted for review.

Upon completion of the Staff's review of the application material, I will inform you in writing or electronically either: 1) the steps necessary to submit additional information or corrections; 2) the date that your Development Application will be scheduled for a public hearing or, 3) City Staff will issue a written or electronic determination pertaining to this application. If you have any questions, or need further assistance please contact me.

Sincerely,

Cori McCarty

Name: Doris McCarty
Title: SENIOR PLANNER
Phone Number: (480) 312 - 4214
Email Address: Dmccarty @ScottsdaleAZ.gov

16-UP-2018
10/3/2018



Planning and Development Services Division

7447 East Indian School Road
Scottsdale, Arizona 85251

Date: _____
Contact Name: _____
Firm Name: _____
Address: _____
City, State, Zip: _____

RE: Minimal Submittal Comments

Dear _____:

It has been determined that your Development Application for _____
Does not contain the minimal information, and has not been accepted for review.

Please refer to the application checklist and the Minimal Information to be Accepted for Review Checklist, and the Plan & Report Requirements pertaining to the minimal information necessary to be accepted for review.

PLEASE CALL 480-312-7000 TO SCHEDULE A RESUBMITTAL MEETING WITH ME PRIOR TO YOUR PLANNED RESUBMITTAL DATE. DO NOT DROP OFF ANY RESUBMITTAL MATERIAL WITHOUT A SCHEDULED MEETING. THIS WILL HELP MAKE SURE I'M AVAILABLE TO REVIEW YOUR RESUBMITTAL AND PREVENT ANY UNNECESSARY DELAYS. RESUBMITTAL MATERIAL THAT IS DROPPED OFF MAY NOT BE ACCEPTED AND RETURNED TO THE APPLICANT.

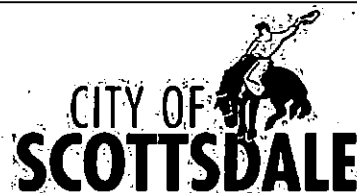
These **Minimal Submittal Comments** are valid for a period of 180 days from the date on this letter. The Zoning Administrator may consider an application withdrawn if a revised submittal has not been received within 180 days of the date of this letter (Section 1.305. of the Zoning Ordinance).

Sincerely,

FORWARDED TO [illegible] 2011 01 20

Name: _____
Title: _____
Phone Number: (480) 312-1111
Email Address: _____@ScottsdaleAZ.gov

Operation Plan



An Operation Plan explains operational characteristics of a proposed use.

1. Business use type: Restaurant
2. Days of Operation: Monday Through Sunday
3. Hours of Operation: 11 to 10 pm Monday, Sunday, Tuesday, Wednesday, Thursday
11 to 11 pm Friday, Saturday
4. Number of employees
 - a. Full time, indicate work shift 4
 - b. Part time, indicate work shift 10
5. Other business officials on site if not employees None
6. Customer characteristics
 - a. Patron seating 100 seats inside 30 seats patio
 - b. Frequency and peak time of customer activity 3 times 3 to 8 pm Thursday through Saturday
7. Outdoor operations
 - a. Explain all outdoor activities (e.g. everything that takes place outside the confines of an enclosed building):
 - Parking Normal restaurant
 - Loading Normal deliveries
 - Storage None
 - Display Normal Menuement Signs
 - Product demonstrations/testing None
 - Activities that take place within areas that are walled but not roofed or covered Normal Restaurant activities
 - Other activities _____
8. Description of service activities such as parking lot sweeping, loading, trash hauling and similar associated activities: All of the above, trash hauling, leaf blowing, lot sweeping
 - a. Frequency of service Activities: days of week, hours of day 3 times a week
 - b. Location of Service Activities relative to lower intensity uses NE corner of building
9. Description of refuse removal:
 - a. The location of anticipated parking area for customers including those located off the site. Right outside front door
 - b. The area surrounding the property that will be cleaned of debris by the applicant Front Patio / Front door area
 - c. Time of day of refuse removal. 5 am

Planning and Development Services

7447 E. Indian School Road, Suite 105, Scottsdale, AZ 85251 • Phone: 480-312-7000 • Fax: 480-312-7088

Operation Plan



An Operation Plan explains operational characteristics of a proposed use.

10. Description of activities that generate noise that will be apparent to/from adjoining properties.

- Source of noise House System
- Noise level in DBA at source of noise and point of impact 35 Decibel max
- Description and diagrams of noise source location _____

11. Description and documentation of how noise is abated.

- Narrative description _____
- Attach site plans, elevation, and other plans that visually demonstrate noise source and noise levels, and how noise will be abated _____

12. Proposal for noise monitoring and maintenance of acceptable noise level: Decibel meter
and log

Schools Only:

- Number of students on-site at any given time: N/A
- Frequency of drop offs and pick-ups (start and stop times) on each day of the week: _____

N/A

Planning and Development Services

7447 E. Indian School Road, Suite 105, Scottsdale, AZ 85251 • Phone: 480-312-7000 • Fax: 480-312-7088

SECURITY, MAINTENANCE AND OPERATIONS PLAN

For Bars and Live Entertainment Use Permits



Scottsdale Police Department, 3700 North 75th Street, Scottsdale, AZ 85251

480.312.5000

FAX 480.312.7701

City of Scottsdale Planning, 7447 E. Indian School, Scottsdale AZ 85251

480-312-7000

FAX 480-312-7088

Assigned Planner:

Police Detective:

Establishment:

Address:

Business Phone:

Business FAX:

Maximum Occupancy:

Effective Date of the Plan:

Date of Plan Review:

Use Permit Issue Date:

Liquor License Number:

Contact Person (1):

Home Phone:

Contact Person (2):

Home Phone:

JOHN MILLER
The Living Room Grainey Ranch
8977 N. Scottsdale Rd Suite 500
480 634 6709
480 656 6173
295
4-25-2018
4-25-2018
1207 A6 91
Tony Eden
480 244 3573
Dave Dabruzzi
480 544 5232

Jgm
042718

Purpose of the Plan

To address security measures, maintenance/refuse and operations for an establishment whose use shall require a Security Plan pursuant to Scottsdale Revised Codes. These uses typically include a Bar Use Permit and a Live Entertainment Use Permit. The contents of this plan will address the listed concerns as well as community concerns regarding:

- Any significant increase in vehicular or pedestrian traffic, including effects on parking, traffic and circulation in the area.
- Adequate control of disruptive behavior both inside and outside the premises to include property damage and refuse issues.
- Compatibility with surrounding structures and uses.

It is the intent of the City of Scottsdale to provide an environment that enhances the safeguarding of property as well as public welfare and to limit the need for law enforcement involvement.

The Permittee agrees that successful execution and enforcement of this Plan are a required condition of the use permit. Termination, cancellation, deviation or non-approval of the Plan constitutes a breach of the Plan and could result in the revocation of the use permit.

Operations and Hours

1. Permittee: The Living Room Grainery Ranch
 Type of Organization: ☐ Arizona Corporation ☐ Corporation
☐ Sole Proprietorship ☒ LLC
☐ Partnership ☐ Other

2. Managing Agents Name: Tony Eden
 Title: Manager
 Address: 7540 E. Cochise Dr.
 Phone Numbers: 480 244 3573
 Fax or Other Numbers: 480 634 6709

3. Business Owner(s) (if different than Managing Agent) Name, Address, Phone: Tom Kaufman 29883 N. 78th St Scottsdale, 602 697 5981

4. Property Owner or Property Manager (if different from Managing Agent) Name, Address, Phone: Main Street Real Estate Advisors

5. Hours of Operation: 7333 E. Doubletree Ranch Rd. #280 Scottsdale, AZ 85258

	Peak/Non-Peak Night	Open to Customers	Liquor Sale Begin	Liquor Sale Ends	Closed to Customers
Monday	Non Peak	11am	11am	10pm	10:30pm
Tuesday	Non Peak	11am	11am	10pm	10:30pm
Wednesday	Non Peak	11am	11am	10pm	10:30pm
Thursday	Peak	11am	11am	10pm	10:30pm
Friday	Peak	11am	11am	11pm	11:30pm
Saturday	Peak	10am	10am	11pm	11:30pm
Sunday	Non Peak	10 am	10 am	11pm	11:30 pm

6. Promotional Events: (Attach an addendum which describes week to week promotional events you plan to have throughout the year i.e. "Ladies night." Do not include special events)

7. Program Format/Entertainment/Advertising: (Complete for Live Entertainment Use Permit Only. Attach addendum that describes

entertainment format i.e. DJ, Live music, Comedy acts etc.) See Scottsdale Revised Code - Appendix B, Zoning Ordinance for definitions.

8. Special Events:

Permittee must give notice to City of Scottsdale Planning and Development at least forty-five (45) days prior to conducting Special Events on the premises. "Special Events" are any program formats varying from the regular format and audiences described or provided above organized or planned by Permittee. Scottsdale requires separate licenses for outdoor special events.

9. Cooperation/Complaints/Concerns:

Permittee will maintain communications with establishments located on and adjacent to the premises, and with residents and other businesses that may be affected by patrons or operations of the Permittee. Permittee designates the following person to receive and respond to concerns or complaints from other residents or businesses:

Name: Tony Address: 8977 N. Scottsdale Rd Phone: 85253 4802443523

Permittee, managing agents, on-duty managers, supervisors and security personnel will cooperate closely with Scottsdale Police, City of Scottsdale Code Enforcement staff or other City staff as well as business and residential neighbors in addressing and investigating complaints, criminal acts, refuse issues and any other concerns.

Security and Maintenance

Security Attire

Security personnel must be readily identifiable to police, patrons, and other employees to ensure the safety of the security staff when engaged with patrons. Security personnel should wear an appropriate styled shirt with the word "security" on both the front and back, in two (2) inch lettering and clearly visible. During cold weather, a jacket with the same inscription should be worn.

The use of radios should be employed between security staff and management when the size of the establishment limits communication efforts.

Security Officer Responsibilities

The Permittee or management must clearly delineate the below responsibilities to all new security personnel and ensure these responsibilities are explained and understood.

Civilian Security Officers will be responsible for patrolling the full property of the liquor establishment during all hours when patrons are in the establishment, outside the establishment, and in the establishment parking areas.

On peak nights, there will be a minimum of 0 uniformed security officer(s). (Wearing the above-described uniform). The following responsibilities shall be agreed upon and adhered to:

1. 0 Security officer(s) will be responsible for roaming the interior of the business and identifying hazards, problems, and maintaining guest safety.
2. 0 Security officer(s) will be responsible for checking identifications at the front door. Acceptable identification are those listed in Arizona Revised Statutes Title 4, section 241A and apply to patrons accessing any area of the licensed premises, including the time period of After-Hours, if applicable. Additional responsibilities shall include: access control, counting of patrons, and prevention of intoxicated persons from entering the business.
3. 0 Security officer(s) will be responsible for conducting roaming patrol of the exterior in an effort to prevent criminal behavior, maintain the peace and prevent refuse issues. This patrol shall include all parking areas to prevent a gathering of patrons during business hours and up to thirty (30) minutes after closing.

In addition, security officers will report all acts of violence to management personnel, complete a written report, log the act of violence, and contact Scottsdale Police Department immediately. Liquor establishment management and/or ownership has the ultimate responsibility for the recording of the act of violence, logging of the act of violence, and reporting the act of violence to the police department and the State Department of Liquor Licenses.

Management Responsibilities

The Permittee must clearly delineate the below responsibilities to all managers, assistant managers, and person(s)-in-charge and ensure these responsibilities are understood and followed.

The manager(s) shall ensure that all employees, security staff and off-duty officers (if applicable) be trained and knowledgeable about the contents of this plan. The following shall be agreed upon and adhered to:

1. There will be a minimum of manager(s) available during peak nights.
2. There shall be a general manager and one assistant manager on duty all hours while open for business and for thirty minutes after closing.
3. A manager shall be identified as the "Security Manager" for the establishment and be responsible for ensuring that a safe environment exists; for the supervision of all security personnel and that all security personnel as identified here shall meet or exceed the requirements established by A.R.S. 32-2621 through A.R.S. 32-2636, as amended, relating to security personnel and guards, and any regulation issued pursuant thereto.
4. At least one security manager will be on duty until one hour after closing or the last security officer is off duty, whichever occurs last.

Uniformed Sworn Officer Responsibilities:

If Off-duty law enforcement is used for security, it is the responsibility of the Permittee or management to clearly delineate the following responsibilities, which include at a minimum the following:

1. Conduct traffic control as needed.
2. Assist civilian security officer(s) in removal of disorderly and/or intoxicated guests and maintain the peace outside the establishment.
3. If necessary, patrol the exterior portions of the business to maintain the peace as well as prevent criminal acts.
4. If a valet is utilized, maintain the peace in the area of the valet.
5. Assist Security Officers with maintaining order in the entrance line and assist in discovery of underage patrons attempting admittance.

☐ I plan to hire _____ officer(s) during peak nights from (name of agency) _____.

☒ I do not plan to hire off-duty law enforcement.

Parking

In order to reduce criminal activity that negatively affects the nearby businesses, the Permittee is responsible for the designated parking area to include any lots used by the Permittee's contracted valet company. It is the Permittee's responsibility to ensure that parking areas utilized by patrons and employees will be routinely patrolled by security staff so parking areas are not used: as a gathering place; for consumption of spirituous liquor; for violations of state or city law; for acts of violence, or disorderly conduct. Management will ensure that all patrons have left the parking areas within thirty minutes after the designated closing time.

If valet is used, it is the Permittee's responsibility to ensure the valet company meets all the requirements of the City of Scottsdale and has a valid valet license and permit prior to conducting valet business.

Refuse Plan

It is the Permittee's responsibility to ensure refuse containers are properly used and the area in and around the business is kept clean. Failure to do so will result in an investigation and possible citation from the City of Scottsdale Code Enforcement or other governmental agencies.

At closing, management will be responsible for refuse pick-up and any appropriate cleaning, for any refuse found within a 300 foot (three hundred) radius of the business. This will also include patron parking lot(s), valet parking lot(s) and employee parking lot(s). All bottles, trash, bodily fluids or secretions and refuse found on streets, sidewalks, private property, and empty lots within the above designated areas will be placed in the refuse container or cleaned appropriately.

Enforcement of Security Plan

Violations of this Security Plan will be enforceable by City of Scottsdale Police Officers and/or Code Enforcement employees and may constitute grounds for revocation of applicable use permits relating to the establishment.

Violation, amendment, revocation, as defined in Scottsdale City Zoning Code Sec. 1.402.

Conditional use-permits, which have been approved by the City Council, shall be subject to the following procedures and criteria regarding any violation, amendment, or revocation.

- The violation of any condition imposed by the conditional use permit shall constitute a violation of this ordinance and shall be subject to the requirements of Section 1.1400 et seq.
- Conditional uses shall be developed in conformance to the approved plans as determined by the Zoning Administrator. An amendment to a conditional use permit is required before implementation of any material change in the scope and nature of an approved conditional use, material change in any conditions or stipulations to a conditional use permit or material change in the physical size, placement or structure of property subject to a conditional use permit. The Zoning Administrator shall have the discretion to determine if a proposed change warrants an amendment. An amendment must be approved as provided in Section 1.400 et seq. for the approval of conditional use permits.
- The Zoning Administrator may recommend to the City Council and the City Council may affect revocation of a conditional use permit pursuant to Section 1.402 of the Scottsdale Zoning Code for acts including but not limited to:
 1. A violation of the Plan.
 2. Violation of the conditions of the Use Permit.
 3. Violation of Scottsdale ordinances or law.
 4. Repeated acts of violence or disorderly conduct as reflected by police calls for service or offenses occurring on premises utilized by patrons of the Permittee, or failure to report acts of violence
 5. Failure of the Permittee to take reasonable steps to protect the safety of persons entering, leaving or remaining on the premises when the Permittee knew or should have known of the danger to such person, or the Permittee fails to take reasonable steps to intervene by notifying law enforcement officials or otherwise to prevent or break up an act of violence or an altercation occurring on the premises or on premises utilized by patrons and employees of the Permittee when the Permittee knew or reasonably should have known of such acts of violence or altercations.
 6. Any enlargement or expansion of the premises, plan of operation or program format without appropriate approval from the City.
 7. Misrepresentations or material misstatements of the Permittee, its agents or employees.

Dissemination of the Security Plan

- A copy of this security plan must be provided to each security officer and off-duty sworn law enforcement officer as well as the manager(s) and assistant manager(s) employed by the permittee.
- A reading log will be maintained and will be signed by each of the above persons, stating they have read and understood this plan. Each security employee must read the plan once per year, or when there are any changes to the plan.
- A current copy of this plan will be maintained on the premises at all times, and a copy of this plan must be made available upon request of any code enforcement officer or police officer.
- Failure to conform to this plan will be considered a violation of the use permit.

Termination of the Plan


This plan shall terminate when the applicant's Use Permit terminates.

Enclosures

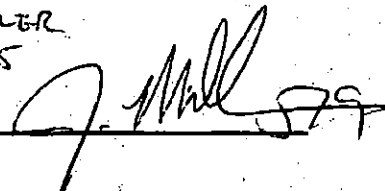
☐ Addendums attached

☒ No enclosures

APPLICANT/MANAGEMENT:

Name: Tony Elen
Address: 7540 E. Carhix Ave Scottsdale 85258
Phone: 480 244 13573
Date: 4/25/18
Signature: 

APPROVED BY:

Detective: John Miller
Phone: 480 215 6135
Date: 042718
Signature: 

Investigator Notes:

On 042718 at 1510-hours, during discussions with Tony Eden, he disclosed that The Living Room Gainey Ranch, located at 8977 North Scottsdale Road Suite 500, does utilize the services of a DJ who does not interact with the crowd. Based upon this disclosure, I advised Eden that the City of Scottsdale SRC 23 does require the submission of a Public Safety Plan. I advised Eden that I would forward to him the application for a Public Safety Plan when I returned the fully-executed Security Maintenance and Operations Plan.